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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,406	03/08/2004	Chad Aerts	3591-1347	9026

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,406

Applicant(s)

AERTS, CHAD

Examiner

Joseph F. Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the third channel of the second securing member (claim 3) must be shown or the feature(s) canceled from the claim(s). Examiner is interpreting channel 310 of the first securing member to be the claimed first channel and the channel 330 of the second securing member to be the claims second channel. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 20 are objected to because of the following informalities:
 - a. claim 20, line 6, "inwardly facing lip" should read --inwardly facing ridge--;
 - b. claim 21, line 2, "inwardly facing lip, and wherein the lips" should read --inwardly facing ridge, and wherein the ridges--;
 - c. claim 25, line 2, "lip" should read --ridge--.

The specification teaches lip 172 of gripping member 170 secure the fabric, while the ridges 306,308 of the first securing member and the ridges 326,328 of the second securing member secure the members. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 6,406,093 B1 to Miotto et al.

Miotto et al. disclose a furniture component that includes all limitations recited in claims 1-38. With respect to claims 1, 31, and 34, Miotto et al. show a furniture

component having a base element 22 (see Fig. 2) with an enlarged portion 24, a first securing member 26 with a channel (interior portion of hook 52) housing the enlarged portion, a fabric piece 88 disposed around at least a portion of the first securing member, and a second securing member 112 disposed around the first securing member with the fabric piece secured between the first and second securing members. The first securing member has a ridge 54 with a gripping member wherein the ridge is disposed in a second channel of the second securing member including a second gripping member, and a second ridge 58 disposed inside the channel of the second securing member. The first securing member is bonded to sheet 80 to secure the first securing member to the enlarged edge portion. The base element forms part of a backrest of a chair (see Fig. 1) with compliant material having a pattern of holes.

With respect to independent claim 14, Miotto et al. show a furniture component having a base element 22 with an edge portion, a securing member with a first channel (interior portion of hook 52) housing the edge portion and a second channel (interior between tab portion 58 and edge of base element), and a fabric piece 80 disposed within the second channel. See the embodiment of Miotto et al. shown in Figure 6 for the teaching that the base element has an edge portion 44 disposed within a channel of the first securing member 42 wherein the second securing member 26 is disposed around the first securing member portion 46 with the fabric piece being secured between the first securing member and the second securing member (as the attachment shown in Figure 2). The portion 46 includes a gripping member with a ridge and portions 48 of the securing member being first and second arms.

With respect to independent claim 20, the horizontal portion and vertical portion of the securing member 68 has a hook defining arms (see Fig. 11) and the downwardly project portion of the hook at the edge of the hook's horizontal portion is an inwardly facing lip/ridge. The second arm has another inwardly facing lip/ridge 72 that attaches to the second securing member 112 with the fabric piece portion 88 secured between the first and second securing members, and the securing member has a channel with an interior and a mouth.

With respect to claim 31, Miotto et al. shows a furniture component having a first securing member 26 with a first channel, a second securing member 112 capable of fitting around the first securing member and securing a piece of fabric between the members, a ridge 58 of the first securing member capable of engaging a second channel of the second securing member, and a third channel 54 of the first securing member capable to secure the fabric to the first securing member.

Response to Arguments

5. Applicant's arguments filed 15 March 2006 have been fully considered but they are not persuasive. With respect to claims 1 and 34, Applicant argues that furniture component of Miotto et al. does not teach the first securing member comprising a channel, a fabric piece disposed around at least a portion of the securing member, or a second securing member disposed around the first securing member with the fabric piece secured between the first and second securing members. Diagram A shows the configuration of the structural elements of Miotto et al. wherein the first securing

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member has a channel, and Diagram B shows the fabric piece disposed around, i.e. enclosing, the tab portion 58 of the first securing member and the second securing member is disposed around the first securing member with the fabric piece secured between the first and second securing members.

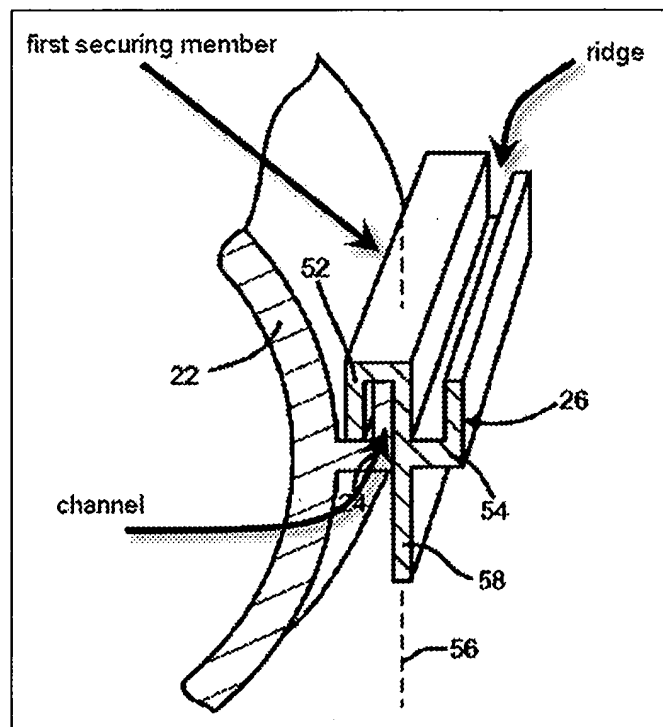


Diagram A - Annotated Figure 3 of Miotto et al.

Next, Applicant argues that neither the first securing member nor second securing member has a ridge. See Diagram A showing that the first securing member of Miotto et al. has a ridge.

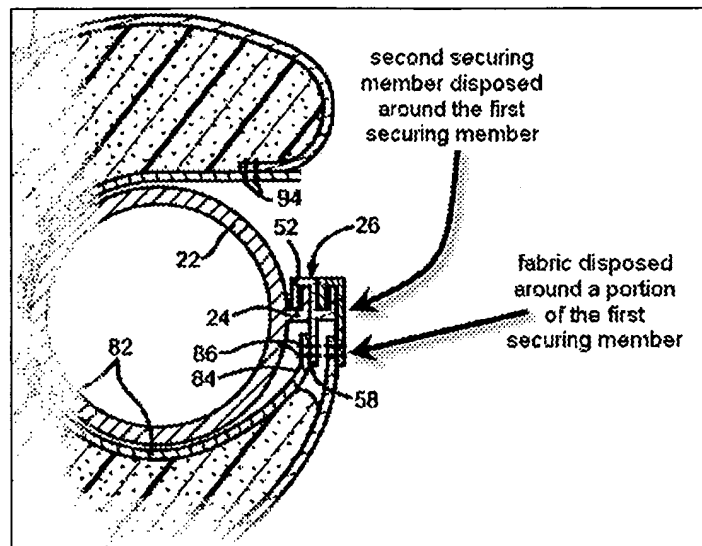


Diagram B - Annotated Figure 2 of Miotto et al.

With respect to claim 14, Applicant argues that Miotto et al. fails to teach a fabric piece disposed within a channel. See Diagram C showing the channel housing the fabric piece.

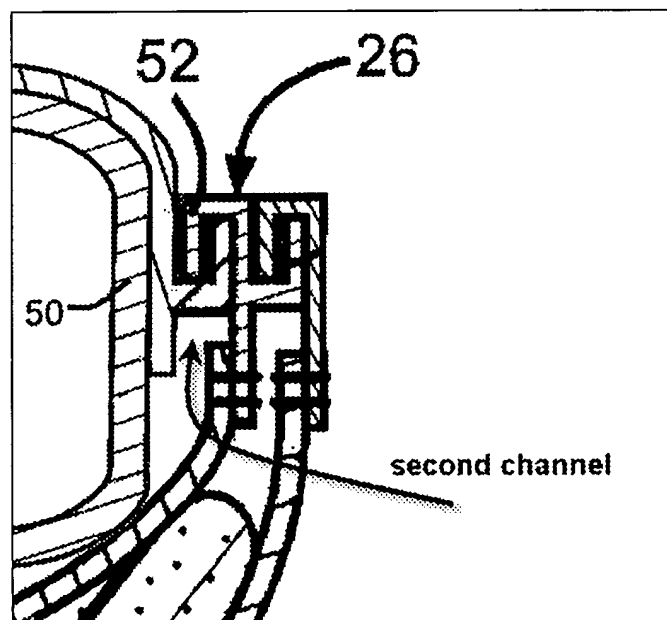


Diagram C - Annotated Embodiment of Miotto et al. shown in Figures 6 and 2

With respect to claim 20, Applicant argues that the securing member of Miotto et al. does not have first and second arms defining an inner surface or an inwardly facing lip. Please note that the arms of first securing member of the instant application are merely sides of the C-shaped member that engage the edge portion of the base element 10. See Figure 11 of Miotto et al. showing that the clip 68 has a hook with first and second arms that engage the attachment portion 24 of element 22 with an inwardly facing lip/ridge holding the clip in place.

With respect to claim 31, Applicant argues that Miotto et al. does not disclose a securing member disposed between the base element and the fabric piece. Figure 2 of Miotto et al. clearly shows the fabric piece 80 disposed between the edge of the base element and the securing member 26.

With respect to claim 32, Applicant argues that Miotto et al. fails to teach a securing member with a ridge and a channel. See Figure 2 of Miotto et al. for the teaching the first securing member has a channel of the hook portion and a ridge extending below the third channel 54 that engages the fabric portion 88.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JE

May 24, 2006



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